IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24396 of 2004

Between:

Sri K. Brahma Chary, S/o.K.Ammeswara Chary,
Occupation Conductor, F.105824,

Kurnool-I, Bus Depot, Kurnool District.

..... PETITIONER

AND

The Depot Manager, APSRTC,

Kurnool-I Bus Depot, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of *Writ of Mandamus* declaring the action of the Respondent in issuing the proceedings NO.01/114(22) 04-KNL-I, dated 30-09-2004 as illegal, arbitrary and unjust and consequently set aside the proceedings No.01/114(22) 04-KNL-I, dated 30.09.2004 issued by the Respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent: MR.P.VINAYAKA SWAMY

The Court made the following:

ORDER:

Challenging the action of the respondent in issuing the suspension order vide proceedings No.01/114(22) 04-KNL-1, dated 30.09.2004 against the petitioner, the present writ petition is filed.

2. The learned counsel appearing for the petitioner contended that basing on a press clipping the petitioner was placed under suspension, and, therefore, the same cannot be acted upon. Hence, the petitioner seeks to set aside the suspension order.

3 . On the other hand, the learned counsel appearing for the respondent contended that not only basing on press clipping but also basing on the preliminary enquiry conducted by the Superintendent (T) Kurnool-1, the petitioner was placed under suspension, and, therefore, there are no grounds to interfere with the order impugned.

4 . Normally, this court will not interfere with the suspension order pending enquiry unless the person who suspended has no jurisdiction at all. The suspension of the person, who passed the suspension order, is not under challenge. As rightly contended by the learned counsel for the respondent that not only basing on the press clipping but also on the preliminary enquiry conducted by the Superintendent (T) Kurnool-I, the petitioner was placed under suspension. Therefore, the suspension order does not suffer from any legal infirmities or jurisdiction of authority who issued. Since the suspension order was passed in the month of September, I deem it appropriate to dispose of the writ petition with a direction to the respondent to complete the enquiry and pass appropriate orders in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. The petitioner shall cooperate with the pending enquiry.

With the above direction, the writ petition is disposed of. No costs.

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(K.C. BHANU, J)

Date: 09.02.2005.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, APSRTC,

Kurnool-I, Bus Depot, Kurnool District.

2. 2 CD copies

*Form-NIC-OGS/WP{**JA**}*